

CAI
CS
- 2045

Family Responsibility Leave

in the Federal Public Service



Public Service Commission
of Canada

Commission de la Fonction publique
du Canada

Canada



Digitized by the Internet Archive
in 2022 with funding from
University of Toronto

<https://archive.org/details/31761115510984>

Family Responsibility Leave

in the Federal
Public Service

Contents

Introduction	4
Maternity Leave	4
UI Benefits	5
Bridging Benefit	5
Maternity Allowance	5
Paternity Leave without Pay	6
Adoption Leave	6
Leave with Pay for Family Responsibilities	7
Leave for Personnel Needs	7
Leave without Pay for the Care and Nurturing of Preschool Age Children	8
Leave without Pay to Accompany Spouse	8
Re-entry Conditions	8
Canada Pension Plan	8
Public Service Superannuation	9
Provincial or Territorial Medical Insurance Plans	9
Group Surgical Medical Insurance Plan (GSMIP)	9
Disability Insurance Plan and Long- Term Disability Insurance under the Public Service Management Insurance Plan (PSMIP)	10
Optional Insurance under the Public Service Management Insurance Plan	10
Conclusion	10

Introduction

If you are a federal public employee and have family responsibilities, you may be entitled to time off work, either with or without pay, and to certain benefits to enable you to meet your responsibilities. It is government policy to help you attend to family affairs while you retain a connection with the workforce.

The Women's Programs Centre has prepared this booklet to give you information on the various family responsibility leaves and benefits that exist in the Public Service. The policies and conditions outlined here apply to most public employees. Provisions, however, may vary for different occupational groups. For specific details on conditions that apply to you, consult your personnel office and collective agreement or, if you are an unrepresented employee, the terms and conditions of employment.

Maternity Leave

Most pregnant women who work for the federal Public Service are entitled to maternity leave without pay to prepare for the birth and then to care for their newborn children. This applies to married and unmarried women working full- or part-time, regardless of whether they are covered by a collective agreement. The normal limits for maternity leave are 11 weeks before the birth date and 26 weeks after that date.

If you become pregnant, you should notify management at least 15 weeks before the baby is due. You may ask for your leave to begin earlier or later than the 11-week point. Your request to defer commencement of maternity leave should normally be granted as long as you are able to carry out your duties. You may also return to work at any time within the 26-week limit after the birth of your child.

What's more, you no longer need a medical certificate to verify your fitness to work, either before or after the birth date. Should you wish to begin your maternity leave early, however, you may be asked for a certificate to confirm your pregnancy.

UI Benefits

Under the *Unemployment Insurance Act*, a woman who ceases work because of pregnancy may be eligible for a maximum of 15 weeks of unemployment insurance. UI benefits pay 60% of insurable earnings, up to a maximum amount which is adjusted annually. In 1983, the maximum insurable earnings were \$385 a week and the maximum benefit paid was \$231 weekly.

Amendments to the UI Act, creating simpler more flexible provisions for maternity benefits, were passed by Parliament in June 1983. Effective 1 January 1984, criteria for maternity benefits are much the same as for sickness benefits. You no longer need to have been working during the time of conception. Instead, you simply have to have worked in insurable employment for at least 20 weeks in the last 52.

The amendments also remove certain restrictions, so that you are able to claim regular or sickness benefits in the weeks surrounding the birth date. The new provisions also allow you to switch to maternity benefits if you have been receiving regular or sickness benefits.

The 15 weeks of UI maternity benefits may be paid during the period 8 weeks before the expected date of confinement and up to 17 weeks after the expected or actual confinement date, whichever is later.

Also note, there is a two-week waiting period before the UI benefits are paid.

Bridging Benefit

Most public servants who take maternity leave without pay are now entitled to a bridging benefit for the two-week period before UI payments begin.

Through the bridging benefit, you may receive up to 60% of your insured weekly earnings to a specific maximum amount. The amount is the same as that paid under unemployment insurance and will vary according to changes in UI benefits.

Even if you are not eligible to receive unemployment insurance, you may still receive a two-week benefit. It will be based on your current salary and will represent the amount you would have been entitled to under UI procedures.

The combined bridging benefit and UI benefits will provide you with up to 17 weeks of income during your maternity leave.

Maternity Allowance

Several public service collective agreements now provide for additional income during maternity leave. This is known as maternity allowance.

If your collective agreement includes this allowance and if you wish to receive it, you must first provide proof that you have applied for and are eligible to receive UI benefits. You must agree to return to work for at least six months following maternity leave. If you do not return to your job after this time, you will have to repay the allowance.

Payments are provided in the following manner:

- 1) For the first two weeks, payment will equal 93% of your weekly pay.
- 2) For up to a maximum of 15 additional weeks, payment equals the difference between UI benefits and 93% of weekly pay. For example, if your weekly pay is \$385, you are eligible to receive \$231 under UI plus \$127.05 under maternity allowance, bringing your total income support to \$358.05, which is 93% of \$385.

Note that the period during which you receive maternity allowance, like the UI benefit period, may not extend beyond 17 weeks after your baby is born.

Paternity Leave without Pay

If you are a male employee, you may be entitled to paternity leave without pay for the care of your newborn child. Your leave may begin on the day your child is born, not before, and may extend up to 26 weeks after the birth. To take the full leave of 26 weeks, you must begin the day of the birth.

You should request leave at least four weeks before the baby is due. You may ask that the commencement of your leave be deferred. You may also ask to modify the dates if, for example, the birth occurs earlier or later than originally expected.

Submission of the baby's birth certificate may be required to obtain paternity leave.

Paternity leave is not covered by unemployment insurance.

A couple employed by the federal government may combine paternity leave with post-delivery maternity leave as long as both together do not exceed a total of 26 weeks.

Adoption Leave

Several Canadian adoption agencies require that one adoptive parent remain at home for at least six months with a new child. As a result, the federal government grants adoption leave without pay for up to 26 weeks, beginning on the day that the child is legally accepted for custody.

You should request adoption leave without pay at least four weeks before the date that you become the child's legal guardian. However, at your request, your deputy head may defer commencement of adoption leave. Your deputy head may also request more than the four weeks advance notification and may ask you for proof of adoption.

A federally employed couple may share adoption leave, but their combined leaves may not exceed 26 weeks.

Since 1 January 1984, UI benefits have been payable to an adoptive parent whose presence at home is required for reasons directly related to the placement of a child. Either (but only one) adoptive parent may claim benefits if he or she has at least 20 weeks of insurable employment in the last 52.

A maximum of 15 weeks of UI adoption benefits will be payable for up to 17 weeks following the week the placement of the child is made. Note that only the actual placement of a child for the purpose of adoption under provincial laws is covered. Thus you may not receive these benefits if you are adopting a child who already lives with you.

Leave with Pay for Family Responsibilities

You may be entitled to special leave with pay to a maximum of five days in any fiscal year in the following circumstances:

- 1) up to half a day to take a dependent family member to medical or dental appointments, or for meetings with school authorities or adoption agencies;
- 2) up to two consecutive days for the temporary care of a sick family member;
- 3) up to one day for needs directly related to the birth of your child if you are male. This leave may be divided into two periods and granted on separate days;
- 4) up to one day for needs directly related to the adoption of a child. This leave may also be divided into two periods and granted on separate days.

For a part-time employee, family responsibility leave is generally prorated. For example, if you work three days weekly, you are probably entitled to three days of family responsibility leave in any fiscal year.

Provisions for this leave define family as a) spouse or resident common-law partner; b) dependent children; c) parents including step-parents or foster parents; d) any relative with whom you reside.

Leave for Personal Needs

Many collective agreements provide for leave without pay to attend to longer term personal or family responsibilities, for example, to settle an estate or care for a sick relative. This leave may be for any period up to one year.

If you take a leave for personal needs for up to three months, this period counts for pay increment purposes and for the calculation of severance pay and vacation leave. Beyond three months, the period is *not* counted for pay increment purposes or for calculation of severance pay or vacation leave.

You may take personal needs leave either for up to three months or up to a year, but you may take each of these periods only once in your public service career. Conditions for unrepresented employees may be less restrictive.

Leave without Pay for the Care and Nurturing of Preschool Age Children

If you are a parent, you may be entitled to leave without pay to care for your preschool age children. This leave may extend to a total lifetime maximum of five years and may be divided into more than one period. You may also take this leave in conjunction with maternity, paternity, adoption or personal needs leave without pay.

Leave without Pay to Accompany Spouse

You are entitled to leave without pay to accompany a spouse who is moved to a new location. Up to five years is provided if the move is temporary or up to one year when relocation is permanent.

The aim of the policy, in the case of a temporary move, is to assist you in obtaining a public service job when you return. In the event of a permanent move, the aim of the policy is to assist you to find another public service position in your new location.

Re-entry Conditions

When you go on leave, the employer is permitted to replace you with another employee. For a period of leave of up to one year, the replacement may be appointed only for the period of your leave (unless you have been permanently relocated) and therefore your position will be fully protected. There is not the same degree of protection for a longer period of leave.

However, you will have priority of appointment to an alternate position for which you are qualified. At all times you retain employee status and therefore you may also compete for other positions in closed competitions which are those limited to public service employees.

Maternity, paternity, adoption and the first three months of leave for personal needs count for pay increment purposes.

Any period of leave without pay counts as employment for the purpose of calculation of severance pay and vacation leave unless specific provisions to the contrary have been made in a collective agreement or terms and conditions of employment. Examples of exceptions are:

- leave for the care and nurturing of preschool children,
- leave to accompany spouse,
- personal needs leave for the period between three months and one year.

Canada Pension Plan

You do not generally make CPP contributions (which are earnings-related) during leave without pay. However, if you are receiving a maternity allowance during maternity leave, you are required to make CPP contributions on such earnings, unless you have already contributed the maximum allowable amount for the year.

Public Service Superannuation

Leave without pay is pensionable service under the *Public Service Superannuation Act* upon which eventual benefits will be based. Consequently you are required to pay superannuation contributions for the period of absence without pay.

One of two levels of contribution, single rate or double rate, is required, depending on the type of leave taken.

For unpaid personal needs leave of less than three months or for unpaid maternity, paternity or adoption leave, you pay a single rate contribution. This rate is what you would have paid had you not been on unpaid leave. For personal needs leave of more than three months, for leave for the care of preschool age children, or for leave to accompany a spouse, you pay a double-rate contribution that is at twice the rate you would have paid had you not been on unpaid leave. In both cases, payment must be made upon return to work, either in one lump sum or by regular deductions over a period equal to that of the leave. The repayment period, however, may be extended where the leave was for maternity or if the repayment plan results in financial hardship. Requests for consideration of an extension in the repayment period should be made to the Superannuation Division of Supply and Services Canada through your personnel office.

Provincial or Territorial Medical Insurance Plans

If you are a resident of a province where health insurance premiums are levied, you must pay the full premium (employee and employer's share) during any leave for family responsibilities. You pay this premium directly to the health ministry. Special forms which enable direct payment are available from your personnel office.

As an alternative, your spouse, if employed, may provide for you by increasing the level of coverage under his or her employer's group insurance arrangement.

Group Surgical Medical Insurance Plan (GSMIP)

You may, if you wish, continue GSMIP coverage during leave without pay. For maternity, paternity, adoption or personal needs leave of less than three months, you are required to contribute only the employee share of the premium. For leave to accompany spouse, for the care of preschool age children, and for personal needs leave of more than three months you must pay both your and your employer's share of the premium for the period of the leave.

Note that to continue GSMIP coverage you must make arrangements through your personnel office to remit premiums in advance directly to the insurance underwriters. Failure to do so will result in termination of coverage.

Disability Insurance Plan and Long-Term Disability Insurance under the Public Service Management Insurance Plan (PSMIP)

Coverage under these plans is continued automatically during leave without pay. Premiums are collected on your return to work.

As in the case of GSMP, you pay single-rate contributions for maternity, paternity, adoption or personal needs leave of less than three months and double-rate contributions for the three other kinds of leave.

Optional Insurance under the Public Service Management Insurance Plan

If you wish to continue your optional insurance coverages under the PSMIP during leave without pay, you must remit your premiums in advance directly to the National Life Assurance Company of Canada. Failure to do so will result in termination of coverage.

Conclusion

In this brochure we have attempted to outline broadly the provisions for family responsibility leaves. But we could not cover all the details.

Be sure to check your collective agreement or terms and conditions of employment for more information. Also, Employment and Immigration Canada has published a special pamphlet on U.I. maternity benefits called *A Baby Bonus It's Not*.

Finally, consult your personnel officer who can answer your questions and guide you through the procedures of the various leaves for family responsibilities.

payée directement au ministre de la Santé. Pour obtenir une formule spéciale concernant le paiement direct des primes, veuillez vous adresser au bureau du personnel administratif qui gère les assurances collectives au titre de la fonction publique (RACGF). La protection fournie par ces régimes est assurée automatiquement et prend un congé non payé. L'employé doit verser les primes en question à son retour au travail. Come pour le RACCM, le taux des cotisations est simple dans le cas d'un congé de maternité, de paternité, d'adoption ou d'un congé pour obligeations personnelles de moins de trois mois et double pour les trois autres types de congé.

Assurance facultative au titre du régime

Le régime d'assurance facultative au titre du RACGF prend un congé non payé directement au titre du régime d'assurance optionnelle au titre du RACCM pendant un congé non payé. Dans le cas d'un congé non payé, le montant de la prime de maternité, de paternité, d'adoption ou d'un congé pour obligeations personnelles d'une durée inférieure à trois mois, le montant de la prime équivaut à la quote-part de l'emploié. Mais il faudra payer la quote-part de l'employeur et celle de l'employé pour la durée du congé obtenu pour :

- a) Accompagner un conjoint;
- b) Les soins d'enfants d'âge du congé obtenu pour :
- c) Les obligations personnelles de préscolaire;
- d) Les obligations personnelles de service à la ligne de front;
- e) Les obligations familiales de service à la ligne de front;
- f) Les obligations familiales de service à la ligne de front;
- g) Les obligations familiales de service à la ligne de front;
- h) Les obligations familiales de service à la ligne de front;
- i) Les obligations familiales de service à la ligne de front;
- j) Les obligations familiales de service à la ligne de front;
- k) Les obligations familiales de service à la ligne de front;
- l) Les obligations familiales de service à la ligne de front;
- m) Les obligations familiales de service à la ligne de front;
- n) Les obligations familiales de service à la ligne de front;
- o) Les obligations familiales de service à la ligne de front;
- p) Les obligations familiales de service à la ligne de front;
- q) Les obligations familiales de service à la ligne de front;
- r) Les obligations familiales de service à la ligne de front;
- s) Les obligations familiales de service à la ligne de front;
- t) Les obligations familiales de service à la ligne de front;
- u) Les obligations familiales de service à la ligne de front;
- v) Les obligations familiales de service à la ligne de front;
- w) Les obligations familiales de service à la ligne de front;
- x) Les obligations familiales de service à la ligne de front;
- y) Les obligations familiales de service à la ligne de front;
- z) Les obligations familiales de service à la ligne de front;

Conclusion

Nous avons tenté de vous donner

un aperçu général des modalités relatives aux congés pour obligation

de service à la ligne de front;

renseignements, veuillez consulter votre convention collective ou les conditions d'emploi applicables.

Pour obtenir plus de détails,

vous pouvez également consulter

Employé et Immigration Canada à

Publie une brochure spéciale, intitulée : Si vous êtes enceinte ...

Enfin, n'hésitez pas à consulter

maternité de l'assurance-chômage.

Votre agent du personnel qui pourra répondre à vos questions et vous

indiquer la marche à suivre pour les diverses congés relatifs aux obligations familiales.

Enfin, nous vous signalons aussi que Nous vous signalons aussi que

vous pouvez prendre fin.

Assurance invalidité de longue durée au titre du régime

Assurance invalidité de longue durée au titre du régime

Assurance invalidité de longue durée au titre du régime

Assurance invalidité de longue durée au titre du régime

Assurance invalidité de longue durée au titre du régime

obtenir une prolongation de la période de remboursement doivent en faire la demande à la Division des pensions de retraite d'Apprentis-électriciens et Services Canada par l'entremise de leur bureau du personnel.

Régimes d'assurance-maladie provinciaux ou territoriaux

L'employé qui réside dans une province ou les cotisations au régime d'assurance-maladie sont retenues à la source doit verser le montant total de la prime (quote-part de l'employé et de l'employeur) pen-dant un congé pour obligations familiales. Cette prime doit être déduite de la prime (quote-part de l'employé et de l'employeur) pen-

Le type de congé pris par le ou la fonctionnaire. S'il s'agit d'un congé non payé de moins de trois mois pour obligation personnelle ou d'un congé non payé non payé de moins de trois mois de la cotisation sera simple. C'est d'ailleurs celle qui due l'employé au congé non payé. Quand aux con- ges de plus de trois mois pour obligeations personnelles, aux con- d'entraînement d'agé préscolaire ou aux congés pour accueillir un con- joint, l'employé doit verser une cotisation qui équivaut au double de celle qu'il aurait été tenu de payer si il n'avait pas pris un congé non payé. Dans les deux cas, le paie- ment des cotisations doit être fait au moment du retour au travail, soit par le versement d'une somme globale, soit par des retenues régulières pendant une période égale à la durée du congé. Cepen- d'un congé de maternité ou lorsqu'il peut être prolongée dans le cas de programme de remboursement devant, la période de remboursement peut être prolongée dans le cas d'un congé de maternité ou lorsqu'il Les fonctionnaires qui désirent entrainer des difficultés financières.

hegimes d'assurance-maladie provinciaux ou territoriaux

personnel.

Conformément à la Loi sur la pension de la Fonction publique, un congé non payé est calculé comme le service donnant droit à une pension à partir d'un quel que service dans l'administration ou dans les établissements publics. En conséquence, l'employé est tenu de cotiser au régime de pension de retraite pendant un congé non payé. Le taux des cotisations à verser doit être simple ou double, selon

Pension de retraite de la Fonction

De façon générale, l'employé en régime de pension du Canada conçoit non payé ne contribue pas au régime de pension du Canada (RPC), ces cotisations étant relées aux gains. Cependant, si une employée regoit une aide financière (indemnité de congé de maternité) pendant son congé de maternité, elle est tenue de verser des cotisa- tions au RPC, lesquelles sont calculées en fonction de ce revenu, à moins qu'elle n'ait déjà versé au régime le montant admissible pour l'année.

- obligations personnelles sont com
de salaire. Le temps consacré à
le calcul de la durée de l'emploi a
finis de l'indemnité de départ et du
moins que la convention collective
ou les conditions d'emploi ne
renforcement des dispositions con-
traires à ce sujet. Voici des
exemples de cas d'exception :
 - congé pour les soins et l'éduca-
tion d'enfants d'âge préscolaire
congé pour accompagner un
conjoint;
 - congé pour obligations perso-
nelles pour une période
supérieure à un an.

- un congé d'adoption mais le congé cumulatif pour les deux employés dépasse 26 semaines.
- À partir du 1er janvier 1984, le parent adoptif qui devra démeurer à la maison pour des raisons directes de santé liées au placement d'un enfant. La maison pour des raisons directes de santé des journées différées, divise en deux et être pris pendant deux journées pour les besoins d'urgence. 4) jusqu'à concurrence d'une divise en deux et être pris pendant deux journées différées, directement rattachées à la nécessance de son enfant. Ce congé peut être divisé en deux besoins directs à la nécessance de son enfant. Ce congé peut être divisé en deux et être pris pendant deux journées pour les besoins directement rattachées à la nécessance de son enfant. 3) jusqu'à concurrence d'une journée de congé à un père pour les besoins directement rattachées à la nécessance de son enfant. Ce congé peut être divisé en deux et être pris pendant deux journées pour les besoins directement rattachées à la nécessance de son enfant. Dans le cas d'une personne employée à temps partiel, la durée d'un congé pour obligations familiales est généralement calculée au pro rata. Par exemple, si cette famille est généreralement obligée au travail trois jours par semaine, elle aura probablement droit à trois jours de congé pour obligation familiale. Les dispositions relatives à ce congé définissent la famille comme : a) le conjoint ou le conjoint de droit commun qui demeure avec le ou la fonctionnaire; b) les enfants à charge; c) le père et la mère, y compris le père et la mère par remariage ou le père et la mère adoptifs; d) tout autre parent demeurant au domicile du ou de la fonctionnaire.
- ## Congé pour obligations familiales
- Le congé pour obligations familiales a droit à un congé spécial payé qui lui donne le droit de passer cinq jours au cours d'une année financière, selon les modalités suivantes :
- 1) jusqu'à concurrence d'une demi-journée pour conduire à un mariage à charge pour membre malade de la famille;
 - 2) jusqu'à concurrence de deux jours consécutifs de congé pour des soins temporaires à un membre malade de la famille;
 - 3) jusqu'à concurrence de deux scolaires ou les organismes sociaux ou de la famille à charge pour membre de la famille à charge pour membre malade de la famille;
 - 4) jusqu'à concurrence de deux personnes régulières des soins médicaux ou dentaires ou pour assumer des obligations personnelles ou familiales à long terme;
 - 5) jusqu'à concurrence de deux personnes régulières des soins familiales à charge pour membre de la famille à charge pour membre malade de la famille;

Congé d'adoption

Introduction

Congé de maternité

Toute demande pour reporter le début du congé de maternité est habituuellement approuvée si l'employée est en mesure d'exercer ses fonctions. Le critère est le même que pour tout autre employé, c'est-à-dire la capacité d'exécuter son travail réduis.

En outre, l'employée n'a plus à fournir de certificat médical confirmant sa capacité de travailler avant ou après la naissance de l'enfant. Toutefois, si elle souhaite com- mencer son congé de maternité avant la date fixée, il lui faudra pro- durer un certificat attestant son état de grossesse.

Table des matières

10	Conclusion
10	réglage
10	Assurance facultative au titre du que (RACGF)
10	gestion de la Fonction publique
10	d'assurance pour les cadres de durée au titre du régime assurance-invalidité de longue
10	Régime d'assurance-invalidité, chirurgicale-médicale (RACM)
9	Régime d'assurance collective provincial ou territorial
6	Régimes d'assurance-maladie publique
6	Pension de pension du Canada
8	Régime de retraite de la Fonction publique
8	Conditions de réintégration
8	Congé pour accompagner un conjoint
7	Congés non payés pour les soins et l'éducation d'enfants d'âge prescolaire
7	Congé pour obligations personnelles
7	Congé payé pour obligations familiales
6	Congé d'adoption
6	Congé non payé de paternité
5	Indemnité de congé de maternité
4	Préstations d'assurance-chômage indemnité de relais
4	Congé de maternité
4	Introduction

CFP 324W 403 07-84

© Ministre des Approvisionnements et Services Canada 1984

Congés
pour obligations
familiales

dans la Fonction
publique fédérale

Canada

3 1761 11551098 4



du Canada

Commission de la Fonction publique

of Canada

Public Service Commission

Congrès pour obligations familiales dans la Fonction publique fédérale